

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 14-25 are pending in the application, with claims 14 and 20 being the independent claims. Claims 14, 18, and 20 are sought to be amended. Support for these amendments is found, for example, in paragraph [0005] of the instant specification. Claims 1-13 were previously cancelled. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejection under 35 U.S.C. § 112

In paragraph 3 of the Office Action, claim 20 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Without acquiescing to the Examiner's allegation, claim 20 has been amended to overcome this rejection. Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. § 102

In paragraph 5 of the Office Action, claims 14-16, 18-21, and 23-25 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,155,370 to Osawa *et al.* (hereinafter "Osawa"). Applicant respectfully traverses this rejection.

Claim 14 recites features that distinguish over the cited reference.

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For example, claim 14 recites:

a lens system that directs the light beam to be diffracted from the alignment mark, the diffracted light causing ghost or spurious reflections through interaction with the lens system...

Claim 20 recites similar distinguishing features as those found in claim 14.

On page 5 of the Office Action, the Examiner states that beam 47" in Figure 2 of the applied reference teaches or suggests "the diffracted light causing ghost or spurious reflections through interaction with the lens system," as recited in claim 14. However, beam 47" in the applied reference is itself diffracted light generated by beam 47 reflecting from/diffracting from mask 3M, not caused by diffracted light 47' generated by beam 47 reflecting/diffracting from substrate 4W, which never interacts with mask 3M, or at least does not interact with mask 3M to form beam 47". This is explicitly described in column 4, lines 35-40 of Osawa, which states "reflection (diffraction) light from the surface of the mask alignment pattern 3M impinges on sensor 8 in the form of unwanted light 47"...," Thus, Osawa explicitly teaches that beam 47" is a reflected or diffracted beam generated from beam 47 reflecting/diffracting from mask alignment pattern 3M, not "a lens system that directs the light beam to be diffracted from the alignment mark, the diffracted light causing ghost or spurious reflections through interaction with the lens system."

Thus, Osawa does not anticipate claim 14. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn, and that claim 14 and its dependent claims be passed to allowance.

As discussed above, Claim 20 also recites distinguishing features similar to those of claim 14. Accordingly, in view of the arguments presented above with respect to

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claim 14, Applicant respectfully requests that the rejection of claim 20 be reconsidered and withdrawn, and that claim 20 and its dependent claims be passed to allowance.

Rejection under 35 U.S.C. § 103

In paragraph 7 of the Office Action, claims 17 and 22 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Osawa in view of U.S. Patent No. 4,821,277 to Alphonse *et al.* (hereinafter "Alphonse"). Applicant respectfully traverses this rejection.

Claims 17 and 22 depend from claims 14 and 20, respectively and further recite features that distinguish from the cited references. Alphonse is not used to teach or suggest the distinguishing features of claim 14 and 20, nor does Alphonse teach or suggest these features. Thus, Alphonse does not resolve the deficiencies of Osawa. Accordingly, Applicant respectfully requests that this rejection be reconsidered and withdrawn, and that claims 17 and 22 be passed to allowance for at least the same reasons as their respective parent claims 14 and 20, and further in view of their own distinguishing features.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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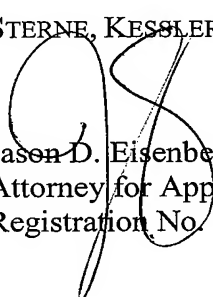
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Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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